

09/675,976

REC'D 03 2005
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Keith Shippy et al.

Application No.: 09/675,976
Docket No.: 042390.P7957

Filed: Sep. 29, 2000

For: **SYSTEM AND METHOD FOR SAFEGUARDING
DATA BETWEEN A DEVICE DRIVER AND A DEVICE**

Examiner: Jacob Lipman

Art Unit: 2134

VIA FAX (703) 872-9306

**AMENDMENT AND RESPONSE AND PETITION FOR
ONE MONTH EXTENSION OF TIME**

Mail Stop After Final
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.136(a), Applicant for the above-identified application respectfully petitions the Commissioner for a one (1) month extension of time, extending the period for response to April 7, 2005, from the Office Action dated Dec. 7, 2004. Please charge the petition filing fee of \$120.00 to Deposit Account No. 02-2666.

If it should be determined that a longer extension of time is required to prevent this application from being abandoned, please charge any additional fees to Deposit Account No. 02-2666. A copy of the Fee Transmittal is enclosed for deposit account charging purposes.

In response to the Office Action mailed on Dec. 7, 2004, please reconsider the pending claims based on the following amendment.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

By: Anne Collette
 Anne Collette

Date: April 6, 2005

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SOKOLOFF SUNNYVALE, CALIFORNIA 94085
TAYLOR &
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PARTNERSHIP INCLUDING
LAW CORPORATIONS (408) 720-8383 (Facsimile)

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APR 6 2005*

FACSIMILE TRANSMITTAL SHEET

Deliver to: Examiner Jacob Lipman, Art Unit 2134
Firm Name: U.S. Patent & Trademark Office
Fax Number: 703-872-9306
From: John P. Ward **Operator:** Anne Collette
Date: April 6, 2005
App. No.: 09/675,976
No. of pages: 19 (including cover sheet)
Client/Matter: 042390.P7957 **Docket Date:** 4/7/2005 **Atty:** JDS

Dear Examiner:

Please find the following document(s) attached:

- 1) Fee Transmittal (1 page)
- 2) Response to Office Action (17 pages)

Thank you.

CERTIFICATE OF TRANSMISSION	
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By: <u>Anne Collette</u> Anne Collette	Date: <u>April 6, 2005</u>

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PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 120.00)

Complete if Known

Application Number	09/675,976
Filing Date	September 29, 2000
First Named Inventor	Jacob Lipman
Examiner Name	Keith Shippy
Art Unit	2134
Attorney Docket No.	042390.P7957

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES	
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent 50 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent 200 100

Multiple dependent claims 360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=			

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=			

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

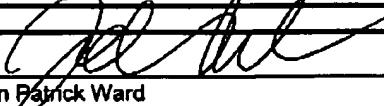
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

1) Extension for response within first month (Fee Code 1251) 120.00

SUBMITTED BY

Signature		Registration No. 40,216 (Attorney/Agent)	Telephone 408-420-8300
Name (Print/Type)	John Patrick Ward		

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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